

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DEBORAH M. D'ANNA-CALVIN

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.
-----X

ORDER

06 CV 6664 (RJD) (JMA)

DEARIE, District Judge.

By order of November 11, 2008, this matter was referred, pursuant to 28 U.S.C. § 636(b), to Magistrate Judge Joan M. Azrack for Report & Recommendation on plaintiff's motion for attorney fees. The Court has reviewed the Report & Recommendation, dated November 17, 2008. No objections were filed. The Report & Recommendation is therefore adopted in its entirety and plaintiff is to be awarded § 406(b) fees in the amount of \$36,125.75. It is further ordered that plaintiff's counsel will refund to plaintiff EAJA fees in the amount of \$7,426.93 within thirty (30) days following the Commissioner's remittance of § 406(b) fees.

SO ORDERED.

Dated: Brooklyn, New York
December 16, 2008

s/RJD

RAYMOND J. DEARIE
United States District Judge